

REMARKS

Claims 1-30 and 51-60 were cancelled in a previous amendment. Claims 31-50, and 61-67 are currently pending. Claims 31, 41-50, 62 and 63 are amended via this paper. No new matter has been added by any of the foregoing amendments.

In the Office Action mailed on March 17, 2009 the Office rejects claims 31-50 and 61-67. Specifically, the Office rejects claims 31-50 under 35 U.S.C. §101 for failing to specify statutory subject matter. Maintaining a traversal, and not conceding the correctness of the Office's rejection under 35 U.S.C. §101, Applicant respectfully amends the preamble of claims 31 and 41 to address the Office's §101 rejection and expedite prosecution of the presented claims on the merits. Dependent claims 32-40 and 42-50 ultimately depend from claim 31 and 41, respectfully, and therefore similarly render the Office's rejection of the same under 35 U.S.C. §101 moot. Support for the amendments is found in paragraphs 7-18, 36-38, and 55-58 of the specification.

The Office rejects claims 62, 63, 66 and 67 under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the Office states that the "of said prerecorded media" language in claim 62 and the "repetitive storyline having a plurality of logical branches" language of claim 63 is confusing. Applicant respectfully traverses. However, in an attempt to move the prosecution forward, without conceding the correctness of the rejections, Applicant respectfully amends claims 62 and 63 by removing and/or rephrasing the language alleged to be indefinite.

Claims 66 and 67 are rejected, as allegedly being indefinite via their use of the terms "local" and "remote" respectively. Applicant respectfully traverses this rejection and respectfully submits to the Office, that as used in the claims, these terms are

sufficiently definite to apprise someone of ordinary skill in the relevant art as to the subject matter covered by the claim.

The Office rejects claims 31-35, 39, 41-45, 49 and 61-67 under 35 U.S.C. §103(a) for being obvious and therefore unpatentable over U.S. Patent 6,243,740 issued to Minneman (hereinafter "*Minneman*") in view of U.S. Published Patent Application 2002/0178442A1 by Williams (hereinafter "*Williams*"). Applicant respectfully traverses.

The Office reads *Minneman* as disclosing a method for selecting a logical branch in a storyline among a plurality of available storyline branches comprising a method for selecting from the available storyline branches. The Office concedes that *Minneman* fails to disclose obtaining or necessarily processing votes.

The Office reads *Williams* as disclosing a system for interactive television scripting that incorporates audience feedback into later episodes of a television program by accumulating votes, calculating a total of the accumulated votes and selecting a winning tally that corresponds to a storyline branch, concluding that it would be obvious to incorporate the features of *Williams* into the system set forth in *Minneman*. Applicant respectfully traverses.

Minneman discloses a method and system of publicly co-creating a narrative document by parallel and on-going communication of a plurality of signals comprising public reactions to portions of the document, the signals being generated via one or more repurposed signaling devices. A display illustrates an introductory portion of the document intended to engender a public interest in the document and an emotive or intellectual reaction thereto. The document discussed in *Minneman* can comprise a dependent set of associated document elements which are sequentially variable for

variation of document content to evolve different document narratives. The public viewing the display communicates, via the device or devices, a signal indicative of their reactions and for effecting a prospective scene selection in the document content that, in turn will vary the narrative. The *Minneman* patent is directed to public interactive advertising where the public consists of passers by that vote by activating their personal garage door opener. In *Minneman* there appears to be no means disclosed for a user to dynamically select between a plurality of possible storylines.

Williams discloses a system and method for creating an interactive television show incorporates audience feedback gathered by way of Internet software. Selected inputs include e-mail, as well as telephone and telecopy with these inputs influencing various levels of the script of upcoming episodes. The system provides for enhanced entry of comments and feedback, gathered by way of a calculated overlapping of questions, to allow structured incorporation of such feedback into the complex process for producing weekly and other episodic television shows. This *Williams* invention further includes means for optimizing advertising revenues through Internet data gathering and dynamic feedback by character webmasters. The system disclosed in *Williams* is directed to a periodic program where subsequent episodes of the show are influenced by the viewing public. The Office action concedes this distinction as it highlights that “*two weeks later the audience votes.*” See pg. 5 of the March 17, 2009 Office Action.

By contrast, independent claim 31 as amended discloses a method for selecting a logical branch in a storyline among a plurality of storyline branches on a computing device, based on voters’ votes, comprising: accumulating, the votes from the voters and selecting a corresponding storyline branch of the plurality of available storyline branches, during the presentation of the storyline. Neither *Minneman* or *Williams*, taken individually, or in any combination disclose this feature.

In view of the applied references failure to disclose the features of accumulating votes during the presentation of the storyline and selecting a corresponding storyline branch during the presentation of the storyline Applicant respectfully submits that claim 31 is patentable over any combination of *Minneman* and *Williams*. Claims 32-40 ultimately depend from claim 31 and are patentable over the combination of *Minneman* and *Williams* for at least the same reasons. Applicant therefore respectfully requests that the Office withdraw its rejection of claims 31-40 under 35 U.S.C. §103(a).

Claim 41 discloses computer executable instructions tangibly embodied on a computer readable medium that performs method steps that are largely consistent with claim 31. Specifically, claim 41 features computer executable instructions the perform the method steps of presenting a storyline to voters, accumulating votes from said voters for a continuing future storyline branch during the presentation of the storyline, and selecting a storyline branch as the future storyline branch during the presentation of the storyline based on the accumulated votes. Applicant respectfully submits that neither *Minneman* or *Williams*, taken individually, or in any combination disclose computer executable instructions that accumulate votes during the presentation of the storyline or selecting a storyline branch during the presentation of the storyline.

In view of the applied references failure to disclose these features Applicant respectfully submits that claim 41 is patentable over any combination of *Minneman* and *Williams*. Claims 42-50 ultimately depend from claim 41 and are patentable over the combination of *Minneman* and *Williams* for at least the same reasons. Applicant therefore respectfully requests that the Office withdraw its rejection of claims 41-50 under 35 U.S.C. §103(a).

Turning now to the Office's rejection of claim 60, claim 60 discloses a system for the dynamic selection of a logical branch from a plurality of available branches in a storyline recorded on an electronic medium that features a media center that presents to a voter recorded media having a plurality of available logical branches; at least one computer coupled to said media center, said computer also being coupled to said at least one voter through a voter interface; said at least one computer having programming code to accumulate and process votes from said at least one voter; wherein during the presentation of said recorded media having a plurality of available logical branches said computer receives at least one vote through said voter interface means, accumulates said at least one vote and selects at least one logical branch, associated with the accumulated votes, from the plurality of available branches creating an interactive storyline in real time.

Applicant respectfully submits that neither *Minneman* or *Williams*, taken individually, or in any combination disclose a system for the dynamic selection of a logical branch from a plurality of available branches in a storyline recorded on an electronic medium that that accumulate votes from viewers and selects a storyline branch based on the accumulated votes and creates an interactive storyline in real time.

In view of the applied references failure to disclose these features, Applicant respectfully submits that claim 61 is patentable over any combination of *Minneman* and *Williams*. Claims 62-67 ultimately depend from claim 61 and are patentable over the combination of *Minneman* and *Williams* for at least the same reasons. Applicant therefore respectfully requests that the Office withdraw its rejection of claims 61-67 under 35 U.S.C. §103(a).

The Office further rejects claims 36-38, 40, 46-48 and 50 under 35 U.S.C. §103(a) for being obvious and therefore unpatentable over *Minneman* in view of

Williams further in view of U.S. Patent 5,400,208 A1 issued to Chisholm (hereinafter "*Chisholm*"). Applicant respectfully traverses.

The Office read *Chisholm* as disclosing an electronic voting scheme wherein the votes that are cast may be multiplied by a weighting factor. Applicants respectfully submit that *Chisholm* discloses a computerized voting system that allows voters to express and cast votes that are conditional on the votes of others of a voting group. Votes may be conditional on the votes of specific individuals, on the number or percent of the overall group who vote a certain way, external events or on any combination thereof. The system solves the "common goods, free rider" dilemma in which voters oppose proposals they recognize as worthwhile out of fear that a few supporters will be burdened with all of the costs. The system specifies and enforces terms under which conditional voting will take place, and may manage the voting process across a network. The system recognizes when either multiple solutions or no solutions to a set of votes exist.

Chisholm fails to contemplate use in a system, method, or computer executable instruction in which the votes are cast to by voters presented with a storyline having a plurality of possible branches, and is completely devoid of an use in which the votes are accumulated, and based on the votes accumulated during the presentation, a future storyline branch is selected, and displayed from the plurality of possible storyline branches in real time. And thus fails to cure the previously discussed deficiencies of the combination of *Minneman* and *Williams*.

Applicant respectfully submits that, claims 36-38, 40 ultimately depend from claim 31 and are patentable over the combination of *Minneman*, *Williams* and *Chisholm* for the same reasons that claim 31 is patentable over *Minneman* in view of *Williams*. Claims 46-48 and 50 ultimately depend from claim 41, and therefore are similarly

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patentable over any combination of *Minneman, Williams* and *Chisholm*. Applicant therefore respectfully requests that the Office withdraw its rejection of claims 36-38, 40, 46-48 and 50 under 35 U.S.C. §103(a).

CONCLUSION

In view of the above Amendments and Remarks, Applicant respectfully submits that the present application is in condition for allowance and early notification of the same is earnestly requested. Should the Examiner have any questions or comments or otherwise deem that prosecution of the present application may be advanced, the Examiner is invited to contact Applicant's representative at the number below.

Respectfully submitted,
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